There was no objection.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed, including thanks to my staff for helping me get through this.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROPOSING AMENDMENT TO CONSTITUTION TO LIMIT CAMPAIGN SPENDING

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 119.

□ 1940

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J.Res. 119) proposing an amendment to the Constitution of the United States to limit campaign spending, with Mr. HANSEN in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. DELAY) and the gentleman from Massachusetts (Mr. MEEHAN) as the Member in favor of the joint resolution each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today after having asked that this constitutional amendment be offered, although I disagree profoundly with what it tries to accomplish.

Mr. Chairman, I know this is very unusual that I would ask to introduce, or have the constitutional amendment of the gentleman from Missouri (Mr. GEPHARDT) introduced, even though he may not want it introduced. But I think frankly that this is the time to have this debate. Earlier on in the year, I thought, because of my opposition to campaign reform, particularly the Shays-Meehan approach, that I frankly would try to block its coming to the floor. But now that we are going to have this open and fair debate, I think it is high time that we have this debate, because this is a debate about free speech, this is a debate about the Bill of Rights and the first amendment to the Constitution. This is a debate that frankly the so-called reformers have had all their way for a very, very long time. It is time for this House to let the American people know what is going on, particularly in this case with this amendment, because this amendment, and I do not want to question anybody's motives, but I think this amendment frankly was offered to cover up some of the campaign abuses by the Democrat National Committee and this administration that we are looking into.

So I bring this amendment to the floor, to do so, to help clarify for my colleagues the real focus of this debate. Tonight we will frame the debate on campaign reform. Any debate on campaign reform and regulation has to begin and end with a discussion of the first amendment to the Constitution of the United States. That is why we are here tonight.

There are two sides when it comes to campaign reform. One side wants to change the Bill of Rights in order to give government more control of the political process. The other side, my side, wants to preserve the Bill of Rights and open up the political process to more Americans.

Now, make no mistake about it. The Gephardt amendment that we are about to debate is the most honest effort by the so-called reformers, honest effort, because it confronts, head-on, the troubling notion that most of these other substitutes, like the Shays-Meehan bill, do not pass the constitutional smell test.

□ 1945

The Gephardt amendment says that we should change the first amendment to fit the political passions of the moment. The Gephardt amendment would change the Constitution, change the Constitution to permit Congress and the States to enact laws regulating Federal campaign expenditures and contributions, which is currently held to be unconstitutional, and it would give to Congress and the States unprecedented, sweeping, and undefined authority to restrict speech protected by the first amendment since 1791.

Now the ACLU, not exactly one of my best supporters, but in this case very much on target, has noted that the Gephardt constitutional amendment is vague and overbroad. It would give Congress a virtual blank check to enact any legislation that may abridge a vast array of free speech and free association rights that we now enjoy.

As the Washington Post said, and they are not exactly a supporter of mine, but they editorialized against the Gephardt proposal, and I quote:

> Campaign finance reform is hard in part because it so quickly bumps up against the first amendment. The Supreme Court has ruled, we think correctly, that the giving and spending of campaign reforms is a form of political speech, and the Constitution is pretty explicit about that sort of thing. Constitution: The Congress shall make no law abridging the freedom of speech is the majestic sentence.

Now the minority leader himself, the gentleman from Missouri (Mr. GEPHARDT) stated his position honestly when he said, and I quote:

> What we have here is 2 important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You cannot have both. Why disagree with that? In my view, free speech and democracy are not in conflict. In fact, you can't have democracy without free speech and limiting free speech eventually limits democracy.

Now the Supreme Court has correctly noted when it said in a free society ordained by our Constitution, it is not the government but the people individually as citizens and candidates and collectively as associations and political committees who must retain control over the quantity and range of debate on public issues in a public campaign. If this constitutional amendment were adopted, Congress and local governments, not the people, would control speech.

The ACLU has noted that passage of this amendment would give Congress and every State legislature the power heretofore denied by the first amendment to regulate the most protected function of the press, and that is editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet, publishers, cable operators would all be vulnerable to the severe regulation of the editorial content by the government.

Now a candidate-centered editorial, as well as op-ed articles or commentaries printed at the publisher's expense, are most certainly expenditures in support of or in opposition to particular political candidates, and the Gephardt constitutional amendment, as its words make apparent, would authorize the Congress to set reasonable limits on the expenditures by the media during campaigns when not strictly reporting the news.

And the New York Times is editorializing in favor of Shays-Meehan? Other newspapers are editorializing in favor of shutting off freedom of speech and freedom of, and I will yield to the gentleman from Massachusetts in just a moment, but such a result would be intolerable in a society that cherishes free press.

Now it is interesting to note that while the minority leader and many Members of his party support this constitutional amendment as the only way to limit spending in a constitutional manner, they also plan to vote in favor of Shays-Meehan that limits the same spending. Now if a constitutional amendment is needed, as the gentleman from Missouri (Mr. GEPHARDT) rightfully claims, then other bills that contain those same spending limits are constitutional.

Now the proposal of the gentleman from Missouri (Mr. GEPHARDT) does from the front door what other proposals like the Shays-Meehan bill do from the back door. Campaign finance reform should honor the first amendment by expanding participation in our democracy and enhancing political disclosure. The Gephardt constitutional